

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**January 29, 2007**

**C052503      DIFFENDERFER et al. v. KROLL, as Trustee, etc.      (Not for Publication)**  
The judgment is affirmed. Plaintiffs shall recover their costs on appeal...  
HULL, J.  
We Concur:    Sims, Acting P.J.  
                 Robie, J.

**C053182      In re A.H.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. D.H.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
SCOTLAND, P.J.  
We Concur:    Davis, J.  
                 Raye, J.

**January 30, 2007**

**C048609      THE PEOPLE v. LAKOTA      (Not for Publication)**  
The judgment and sentence are affirmed.  
BLEASE, Acting P.J.  
We Concur:    Sims, J.  
                 Butz, J.

**C050329      THE PEOPLE v. DISSINGER      (Not for Publication)**  
The judgment is affirmed. The trial court shall prepare an amended abstract of judgment as directed in this opinion, and shall forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.  
CANTIL-SAKAUYE, J.  
We Concur:    Blease, Acting P.J.  
                 Butz, J.

**C050925      THE PEOPLE v. FRYMAN      (Not for Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur:    Sims, Acting P.J.  
                 Butz, J.

**C051510      THE PEOPLE v. RICO      (Not for Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur:    Sims, Acting P.J.  
                 Butz, J.

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**January 30, 2007, continued**

**C053190      THE PEOPLE v. SCOTT      (Not for Publication)**

The judgment is affirmed.  
Blease, Acting P.J.

We Concur:   Davis, J.  
                 Butz, J.

**C052559      COWLEY v. THE SEATTLE TIMES COMPANY      (Not for Publication)**

The orders quashing the subpoena and awarding sanctions are affirmed.  
Cowley shall recover his costs on appeal. (Cal. Rules of court, rule 8.276(a)(1).)  
ROBIE, J.

We Concur:   Nicholson, Acting P.J.  
                 Raye, J.

**C050980      THE PEOPLE v. SMITH  
BY THE COURT:**

Appellant's petition for rehearing is denied.  
ROBIE, J.

**January 31, 2007**

**MISC. ORDER 2007-004**

By the Court:

Associate Justice Vance Raye is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on February 5 through February 7, 2007, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

**C051745      THE PEOPLE v. SALAZAR      (Not for Publication)**

The order dismissing the case is reversed and the matter is remanded to the trial court with directions to vacate its order granting the motion to suppress, to enter a new order denying the motion to suppress, and for further proceedings.

MORRISON, J.

We Concur:   Sims, Acting P.J.  
                 Hull, J.

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**January 31, 2007, continued**

- C052134 THE PEOPLE v. CROSS (Not for Publication)**  
The judgment of conviction is affirmed, the sentence is vacated, and the matter is remanded to the trial court for resentencing.  
CANTIL-SAKAUYE, J.  
We Concur: Sims, Acting P.J.  
Butz, J.
- C042493 SACRAMENTO POLICE OFFICERS ASSOCIATION v. CITY OF SACRAMENTO et al.**  
**C043377 SACRAMENTO POLICE OFFICERS ASSOCIATION v. CITY OF SACRAMENTO et al. (CERTIFIED FOR PUBLICATION)**  
The judgment in case No. C042493 is reversed and remanded; the trial court is directed to enter judgment for the City. The appeal in case No. C043377 is dismissed as moot. The City shall recover its costs in both appeals.  
DAVIS, J.  
We Concur: Scotland, P.J.  
Sims, J.
- C048760 LANDAU v. MEDICAL BOARD OF CALIFORNIA (Not for Publication)**  
The judgment is reversed and the matter is remanded to the Board for further proceedings in accordance with this opinion. Plaintiff is awarded her costs on appeal.  
HULL, J.  
We Concur: Blease, Acting P.J.  
Davis, J.
- C050135 HAYDEN v. CITY OF ROSEVILLE (Not for Publication)**  
The judgment is affirmed. The City of Roseville shall recover its costs on appeal...  
BLEASE, Acting P.J.  
We Concur: Sims, J.  
Nicholson, J.
- C050617 ERWIN v. STEWART HUMPHREYS BURCHETT & MOLIN et al. (Not for Publication)**  
The judgment is reversed. The trial court is directed to enter a new order denying the motion for summary adjudication on the cause of action for legal malpractice based on defendants' handling of the claim against CDF. Erwin shall recover her costs on appeal. (Cal. Rules of Court, rule 8.276(a).)  
MORRISON, J.  
We Concur: Davis, Acting P.J.  
Butz, J.



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**January 31, 2007, continued**

- C052187      MAXEY v. SIERRA COLLEGE et al.      (Not for Publication)**  
The order denying plaintiff's petition for relief pursuant to section 946.6 is affirmed. Costs on appeal are awarded to respondents...  
CANTIL-SAKAUYE, J.  
We Concur:    Sims, Acting P.J.  
                 Butz, J.
- C052462      In re K.F.; THE PEOPLE v. K.F.      (Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur:    Sims, Acting P.J.  
                 Robie, J.
- C051602      THE PEOPLE v. HERNANDEZ**  
**C051224      THE PEOPLE v. HERNANDEZ**  
BY THE COURT:  
Respondent's petitions for hearing are denied.  
SCOTLAND, P.J.
- C050811      CONCERNED MCCLOUD CITIZENS v. MCCLOUD COMMUNITY SERVICES DISTRICT et al. and NESTLE WATERS NORTH AMERICA, INC.**  
BY THE COURT:  
The request filed by the League of California Cities et al. to publish Part III of this court's opinion filed on January 2, 2007, is denied.  
SCOTLAND, P.J.
- C050811      CONCERNED MCCLOUD CITIZENS v. MCCLOUD COMMUNITY SERVICES DISTRICT et al. and NESTLE WATERS NORTH AMERICA, INC.**  
**(CERTIFIED FOR PUBLICATION)**  
THE COURT:  
The opinion in the above-entitled matter filed on January 2, 2007, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.  
BY THE COURT:  
SCOTLAND, P.J.  
SIMS, J.  
CANTIL-SAKAUYE, J.

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**January 31, 2007, continued**

**C052462      In re K.F.; THE PEOPLE v. K.F.**

BY THE COURT:

As no request for oral argument was received within the time provided, the court approves the waiver, and the cause is order submitted. The enclosed opinion is a true and correct copy of the original opinion entered in the above cause.

SCOTLAND, P.J.

**February 1, 2007**

**C050645      THE PEOPLE v. ELLIS      (Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

**C050793      THE PEOPLE v. HOLMAN      (Not for Publication)**

The judgment is affirmed.

DAVIS, J.

We Concur: Scotland, P.J.

Nicholson, J.

**C050868      THE PEOPLE v. GREEN      (Not for Publication)**

The judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Morrison, J.

Robie, J.

**C051431      THE PEOPLE v. ZACKERY      (Certified for Partial Publication)**

The judgment is modified...

... The case is remanded to the superior court for consideration of whether to impose restitution fines... Following such consideration, the superior court shall prepare an amended abstract of judgment, reflecting the views set forth in this opinion, and shall forward a certified copy of the same to the Department of Corrections and Rehabilitation.

SIMS, J.

We Concur: Scotland, P.J.

Hull, J.

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**February 1, 2007, continued**

- C051488      THE PEOPLE v. HILL      (Not for Publication)**  
The judgment is modified... As modified, the judgment is affirmed.  
RAYE, J.  
We Concur:    Blease, Acting P.J.  
                 Morrison, J.
- C051637      THE PEOPLE v. MURPHY      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We Concur:    Blease, Acting P.J.  
                 Morrison, J.
- C052300      MILLER v. UNION PACIFIC RAILROAD COMPANY      (Certified for Partial Publication)**  
The trial court's orders are affirmed. Union Pacific shall recover its costs on appeal. (Cal. Rules of Court, rule 27 (a)(1).)  
ROBIE, J.  
We Concur:    Raye, Acting P.J.  
                 Morrison, J.
- C052087      In re K.H. et al.; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v. H.P.      (Not for Publication)**  
The order of the juvenile court is affirmed.  
NICHOLSON, Acting P.J.  
We Concur:    Morrison, J.  
                 Robie, J.
- C052122      In re K.B.; SUTTER COUNTY WELFARE AND SOCIAL SERVICES DIVISION v. JEREMY B.      (Not for Publication)**  
The order denying appellant presumed father status and excluding him from the proceedings is reversed and the juvenile court is directed to reinstate him as a party in the dependency. The orders denying reunification services and setting a selection and implementation hearing are affirmed. The stay of proceedings in the trial court is vacated.  
NICHOLSON, Acting P.J.  
We Concur:    Morrison, J.  
                 Robie, J.





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**February 2, 2007**

- C051816      THE PEOPLE v. JONES      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, Acting P.J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.
- C052181      THE PEOPLE v. ASHBY      (Not for Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Sims, Acting P.J.  
Butz, J.
- C050829      TOWNS v. DAVIDSON et al.      (CERTIFIED FOR PUBLICATION)**  
The judgment is affirmed. The parties shall bear their own costs on appeal...  
NICHOLSON, J.  
We Concur: Scotland, P.J.  
Sims, J.
- C051706      BICKFORD v. ELK GROVE WATER SERVICE et al.      (Not for Publication)**  
The judgment is affirmed. Defendants shall receive their costs on appeal...  
SIMS, Acting P.J.  
We Concur: Hull, J.  
Robie, J.
- C053148      In re C.S. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. S.S., SR.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Sims, Acting P.J.  
Butz, J.
- C052543      In re S.X.; THE PEOPLE v. S.X.      (Not for Publication)**  
The order of the juvenile court is affirmed.  
NICHOLSON, Acting P.J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.

**COURT OF APPEAL  
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**The Minutes**

**February 2, 2007, continued**

**C053148      In re C.S. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. S.S., SR.                      (Not for Publication)**

The orders of the juvenile court are affirmed.

CANTIL-SAKAUYE, J.

We Concur:    Sims, Acting P.J.

Butz, J.

**C054535      In re NATHANIEL K.; SISKIYOU COUNTY HUMAN SERVICES DEPARTMENT  
v. ANDREW K. et al.**

BY THE COURT:

Respondent's motion to dismiss the appeals is granted the appeals filed  
on December 22, 2006, are dismissed.

SCOTLAND, P.J.